

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

STEVEN MOTTA,

Plaintiff,

v.

**9:06-CV-1047**

**DR. LESTER WRIGHT, Deputy Commissioner  
of Health Services, NYS DOCS; DR. SYED  
HAIDER SHAH, Marcy Correctional Facility,**

Defendants.

**APPEARANCES:**

STEVEN MOTTA  
82-A-1236  
Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, NY 12929  
Plaintiff *Pro Se*

ANDREW M. CUOMO  
Attorney General of the State of New York  
Office of the Attorney General  
The Capitol  
Albany, NY 12224  
Attorney for Defendants Haider Shah and Wright

**OF COUNSEL:**

CHARLES J. QUACKENBUSH, ESQ.  
Assistant Attorney General

**NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Gustave J. DiBianco, duly filed on the 29<sup>th</sup> day of April 2009. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

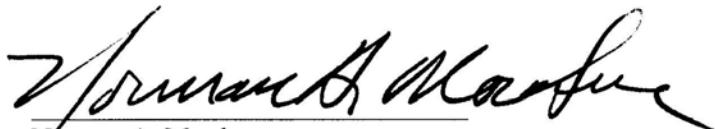
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion for summary judgment (Dkt. No. 29) is granted, and the complaint is dismissed in its entirety.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: May 20, 2009  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge

v

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